



01-21-03

RCE/1660

PTO/SB/30 (10-01)  
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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/838,718
Filing Date	April 19, 2001
First Named Inventor	Steidler et al.
Art Unit	1635
Examiner Name	B. Whiteman
Attorney Docket Number	2676-4779US

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RCE

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 C.F.R. 1.114

- a. ☐ Previously submitted
  - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
  - i. ☒ Amendment/Reply
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☐ Information Disclosure Statement (IDS)
  - iv. ☐ Other \_\_\_\_\_

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## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge any deficiency in the following fees, or credit any overpayments, to Deposit Account No. 20-1469
  - i. ☒ RCE fee required under 37 C.F.R. 1.17(e)
  - ii. ☒ Extension of time fee (37 C.F.R. 1.136 and 1.17)
  - iii. ☐ Other \_\_\_\_\_
- b. ☒ Checks in the amount of \$375.00 (RCE) and \$465.00 (Petition for Extension of Time) are enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Allen C. Turner	Registration No. (Attorney/Agent)	33,041
Signature		Date	January 16, 2003

## CERTIFICATE OF MAILING

Express Mail Label Number: EV 209822865 U  
Date of Deposit: January 16, 2003  
Person Making Deposit: Matthew Wooton

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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Serial No. 09/838,718

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Steidler et al.

**Serial No.:** 09/838,718

**Filed:** April 19, 2001

**For:** USE OF A CYTOKINE-PRODUCING  
LACTOCOCCUS STRAIN TO TREAT  
COLITIS

**Examiner:** B. Whiteman, Ph.D.

**Group Art Unit:** 1633

**Attorney Docket No.:** 2676-4779US

**NOTICE OF EXPRESS MAILING**

Express Mail Mailing Label Number: EV 209822865 US

Date of Deposit with USPS: January 16, 2003

Person making Deposit: Matthew Wooton

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**AMENDMENT**

Box RCE  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the Communication mailed July 16, 2002, please amend the referenced application as follows:

**IN THE CLAIMS:**

Please cancel claims 2, 5 and 13 without prejudice or disclaimer.